

Notice of Allowability

Application No.

09/703,755

Examiner

Sin J. Lee

Applicant(s)

GRATE ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-27-05.
2. ☒ The allowed claim(s) is/are 1,2,4,6-31,38-46,48-50,101,103,104,106,148-151,153,154,166,168,169,203-205,208-213 and 215-247.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9-6-05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John M. Bradshaw (attorney for applicants) on September 6, 2005.
3. The application has been amended as follows:

In Claim 1, on line 7, delete "at least", and on the same line, between "light" and "of", insert --- while leaving a different portion of said composition unexposed to the light, wherein the light is ---.

In Claim 8, line 2, between "group" and "OV225", insert --- consisting of ---.

In Claim 13, line 2, between "group" and "BSP3", insert --- consisting of ---.

In Claim 15, line 2, replace "containing" with --- consisting of ---.

In Claim 19, line 2, replace "containing" with --- consisting of ---.

In Claim 24, line 2, replace "if" with --- consisting of ---.

In Claim 29, line 2, between "group" and "BSP3", insert --- consisting of ---.

In Claim 41, line 2, between "group" and "1,3-diphenyl-1,1,3,3-tetrakis(dimethylsiloxy)disiloxane", insert --- consisting of ---.

In Claim 48, on line 11, delete "at least", and on the same line, between "light" and "of", insert --- while leaving a different portion of said composition unexposed to the light, wherein the light is ---.

In Claim 50, line 2, between "group" and "trialkoxysilane", insert --- consisting of -
--.

Cancel Claim 147.

In Claim 151, line 2, between "group" and "trialkoxysilane", insert --- consisting of
---.

In Claim 166, line 1, replace "claim 164" with --- claim 149 ---.

In Claim 169, line 2, replace "containing" with --- consisting of ---.

Cancel Claim 202.

In Claim 232, at the beginning of line 10, insert --- based on the determining, ---
before "placing on a substrate . . .".

In Claim 234, at the beginning of line 14, insert --- based on the determining, ---
before "placing on said substrate . . .".

4. The following is an examiner's statement of reasons for allowance: None of the previously cited prior arts (Cavezzan et al'065, Oxman et al'886, and Oaks et al'661) teaches or suggests present step of forming an analytical device in claims 1 and 48. None of the previously cited prior arts teaches or suggests present step of exposing the film to a first chemical species that the film will selectively absorb as presently claimed in claims 103 and 149. None of the previously cited prior arts teaches or suggests

present method of forming several individual domains of chemically selective sorbent films on a single substrate as presently claimed in claims 204 and 221. None of the previously cited prior arts teaches or suggests present step of making a chemical sensor in claim 215. None of the previously cited prior arts teaches or suggests present determining step and the step of placing on a substrate a composition based on the determining step as presently claimed in claims 232 and 234. None of the previously cited prior arts teaches or suggests present step of providing an analytical device and present step of exposing the film to a first chemical species that the film will selectively absorb as presently claimed in claim 236. None of the previously cited prior arts teaches or suggests present method of performing an analytical function in claim 238. None of the previously cited prior arts teaches or suggests present step of manufacturing an analytical device that is selective for one or more chemical species in claims 240 and 244.

Although Bentsen et al (5,607,645) teaches making a sensor by using hydrosilation chemistry between a vinyl terminated poly(dimethylsiloxane) and poly(dimethyl)(methylhydro)siloxane, the reference does not teach or suggest present exposing method of present claims. That is, in all of the present claims 1, 48, 103, 149, 204, 215, 221, 232, 234, 236, 238, 240, and 244, the exposure step has to be carried out *imagewise* (i.e., there has to be an exposed portion as well as an unexposed portion according to a predetermined pattern). On the other hand, in Bentsen, the exposure step is carried out non-imagewise (i.e., it is an overall cure). Therefore, present invention is distinguishable over Bentsen'645.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. J. Lee

S. Lee
September 6, 2005

Sin J. Lee
SIN LEE
PRIMARY EXAMINER